IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO: 14678 of 2004

Between:

S.Ranga Lakshmamma, W/o Mala Kondaiah,
R/o Konapalli Village, Besthavaripet Mandal,
Prakasam District

..... PETITIONER

AND

1 The Joint Collector, Prakasam District at Ongole
2 The Revenue Divisional Officer, Markapuram, Prakasam District
3 The Mandal Revenue Officer, Besthavaripet Mandal, Prakasam

District.

4 P.Venkata Ramana, S/o.late Venkata Subbaiah,

aged 42 years, R/o.Konapalli, Besthavaripet

Mandal, Prakasam District.

(4th respondent impleaded as per Court order

dated 01-09-2004)

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, Order or direction more particularly one in the nature of Writ of Mandamus declaring the order of the 1st respondent in Rc.CS2/2743/2004 dated 8-8-2004 thereby rejecting petitioner's stay petition against operation of order of 2nd

respondent issued in Rc H/1298/2004, dated 19-7-2004 is illegal, irregular and violative of Art.14,19 and 21 of the constitution of India and A.P. Schedule Commodities (Regulation of Distribution by Card System) Order 2001 and setting aside the same and consequently direct the respondents to continue him as fair price shop dealer for Konapalli village.

Counsel for the Petitioner: MR.SATYANARAYANA NIMMAGADDA

Counsel for the Respondent Nos.1 to 3: GP FOR CIVIL SUPPLIES

Counsel for the Respondent No.4: MR.SAI GANGADHAR CHAMARTY

The Court at the stage of admission made the following:

HONOURABLE MS.JUSTICE G.ROHINI

WRIT PETITION NO.14678 OF 2004

ORDER:

The petitioner is the authorized dealer in respect of the Fair Price Shop of Konapalli Village. The second respondent-Revenue Divisional Officer, Markapuram issued proceedings dated 19-07-2004 stating that since the petitioner has applied for leave vide her application dated 15-07-2004, for a period of four months on the ground of ill-health, the 4th respondent herein has been appointed as a temporary dealer, and that the essential commodities from 08-08-2004 onwards shall be allotted to the 4th respondent.

2. Aggrieved by the same, this Writ petition has been filed contending, *inter alia,* that the petitioner never applied for leave on the ground of her alleged ill-health. It is further stated that the said leave application was forged and fabricated and that though the said fact was brought to the notice of the second respondent with a request to revoke the proceedings dt. 19-07-2004, no orders have been passed. Hence, she preferred an appeal before the first respondent along with an application for stay. The first respondent by order dated 08-08-2004 rejected the application for stay without assigning any reasons. Challenging the said order, dated 08-08-2004, the present writ petition has been filed.

3. This Court, while granting time to the learned Government Pleader to get

instructions by order dated 18-08-2004 directed the respondents to release the essential commodities to the petitioner for the month of August, 2004. Subsequently, the 4th respondent got herself impleaded. After hearing both the parties, by order dated 03-09-2004, there was a further direction by this Court to release the essential commodities to the petitioner for the month of September, 2004.

4. I have heard the learned Counsel for the petitioner, learned counsel for the 4th respondent as well as the learned Government Pleader appearing for the respondents.

5. It is not in dispute that in pursuance of the orders of this Court, the petitioner has distributed the commodities for the months of August and September, 2004 and that the appeal filed by the petitioner against the order of the Revenue Divisional Officer dated 19-07-2004 is pending before the first respondent.

6. The learned counsel for the 4th respondent states that since the 1st respondent while rejecting the stay in the Appeal of the petitioner, further ordered that the appointment of the 4th respondent as a temporary dealer shall also be stayed, the 4th respondent also preferred an appeal before the first respondent which is pending on his file.

7. Since admittedly, the statutory appeals preferred by the petitioner as well as the 4th respondent are pending before the first respondent, I am not inclined to express any opinion on the merits of the case. Instead, I deem it appropriate to dispose of the writ petition with a direction to the first respondent to dispose of the appeals pending on his file against the order of the Revenue Divisional Officer dated 19-07-2004 and to pass appropriate orders in accordance with law as expeditiously as possible, positively on or before 30-09-2004.

8. The Writ Petition is disposed of accordingly. No costs.

G.ROHINI, J

13th September, 2004

SKM

Note:

Furnish C.C.

within three days.

B/o.

skm

To

1 The Joint Collector, Prakasam District at Ongole
2 The Revenue Divisional Officer, Markapuram, Prakasam District
3 The Mandal Revenue Officer, Besthavaripet Mandal, Prakasam

District.

4 Two C.Cs. to G.P. for Civil Supplies,

High Court Buildings,

High Court of A.P., Hyderabad, (OUT)

5 Two C.D.copies.